

REMARKS

In the Office Action, the Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5), rejected claims 11, 13-15, and 19 under 35 U.S.C. §102(b) as being anticipated by Lavin et al. (U.S. Patent Number 5,772,585, hereinafter "Lavin"), and rejected claims 1-10, 12, 16-18, and 20 under 35 U.S.C. §103(a) as being unpatentable over Lavin in view of Smutek et al. (U.S. Patent Number 4,553,206, hereinafter "Smutek"). Accordingly, Applicant provides the following remarks:

37 C.F.R. 1.84(p)(5) Objection

In the Office Action, the Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 1, 196 and 197. Applicant respectfully submits herein an amendment to the specification to overcome the objection made by the Examiner, and respectfully submits that the amendment made does not include new matter.

35 U.S.C. §102 Rejection

In the Office Action, the Examiner rejected claims 11, 13-15, and 19 under 35 U.S.C. §102(b) as being anticipated by Lavin. Applicant respectfully requests herein cancellation of claims 1-20 and submits new claims 21- 40. As shall be discussed below, Applicant submits that the rejections made by the Examiner under 35 U.S.C. §102 have been overcome by the amendments provided herein, and that the amendments do not include new matter.

35 U.S.C. §103 Rejection

In the Office Action, the Examiner rejected claims 1-10, 12, 16-18, and 20 under 35 U.S.C. §103(a) as being unpatentable over Lavin in view of Smutek. Applicant respectfully requests herein

cancellation of claims 1-20 and submits new claims 21- 40. As shall be discussed below, Applicant submits that the rejections made by the Examiner under 35 U.S.C. §103 have been overcome by the amendments provided herein, and that the amendments do not include new matter.

Lavin discloses a system and method for managing patient medical information to facilitate data management and improve physician access to and recordal of examination data. The method comprises a computer aided process including the steps of scheduling appointments, entering and displaying data to a physician, updating the patient data with progress notes concurrently with an examination, displaying allergy warnings and recording a diagnosis based on the progress notes. A common graphic user interface is also disclosed to facilitate operation of the preferred system and method. The system and method are implemented with a relational database operating on data tables which store information input into the user interface. (Abstract)

As noted in the Office Action by the Examiner, Lavin fails to express and disclose a system, where a form generator is used to generate a patient visit form, and wherein a user inputs patient data, such as health history and treatments on the form contemporaneous with the record, including patient examination information, being generated. Further, as also indicated by the Examiner, Lavin fails to express and disclose using a form to enter the information. Moreover, as indicated by the Examiner, Lavin fails to expressly disclose a method of using a patient visit form to keep a record of health history and treatments, wherein the form displays codes relating to diagnosis and procedures, wherein patient data is entered on the form at the time of the visit. In the amended claim set provided herein, independent 21 and 33 include limitations relating to generating the dynamically customizable form, which includes the one or more health care procedures used by the health care provider and the one or more health care diagnoses input by the healthcare provider, for use and

association with providing a service for a patient; and using the dynamically customizable form in association with providing a service for the patient, wherein the dynamically customizable form is used by the healthcare provider. Accordingly, Applicant respectfully submits that for at least this reason, independent claims 21 and 33 are not anticipated by Lavin, because Lavin does not teach or disclose each and every element of the claimed invention as provided herein. Similarly, Applicant respectfully submits that claims 22-32, which depend from base claim 21, and claims 34-40, which depend from base claim 33, include the limitations of the corresponding base claims and therefore are also not anticipated by Lavin. Accordingly, Applicant respectfully submits that the amended claim set provided herein is not anticipated by Lavin.

Smutek discloses a technique for organizing digitized information for storage in a relational type tree memory structure where the digitized information is broken up into blocks of a fixed byte size which are then stored throughout the memory. A header is utilized which identifies a text or image and details of how the image was digitized and compressed, to be used in reconstructing the image properly. An index identifies the locations throughout memory at which the blocks containing the text or image information is stored. Each block has a header identifying what text or image information is stored in the block and having the address of any another block containing related information for the same text or image to thereby create a chaining between the blocks by which they may all be quickly located once a first block is located using the index. A further embodiment allows the storing and display of a base image containing user defined and located subfields and the selective insertion of related data or images, either previously stored or entered by the user, into the subfields. A yet further embodiment allows the use of data contained in the subfields as keys to locate and display further related information. (Abstract)

Smutek does not teach or disclose the inclusion of one or more healthcare procedures used by a healthcare provider and one or more healthcare diagnoses employed by the healthcare provider in a dynamically customizable form. Independent claims 21 and 33 of the present invention include limitations relating to electronically selecting one or more healthcare procedures for inclusion in a dynamically customizable form, wherein the one or more healthcare procedures selected are procedures used by a particular healthcare provider of a healthcare facility; electronically selecting one or more healthcare diagnoses for inclusion in the dynamically customizable form, wherein the one or more healthcare diagnoses selected are diagnoses employed by the particular healthcare provider; generating the dynamically customizable form, which includes the one or more healthcare procedures used by the healthcare provider; and generating the dynamically customizable form, which includes the one or more healthcare procedures used by the healthcare provider and the one or more healthcare diagnoses employed by the healthcare provider, for use and association with providing a service for a patient. Accordingly, Applicant respectfully submits that for at least this reason, independent claims 21 and 33 are not anticipated by Smutek because Smutek does not teach or disclose each and every element of the claimed invention as provided herein. Similarly, Applicant respectfully submits that claims 22-32, which depend from base claim 21, and claims 34-40, which depend from base claim 33, incorporate the limitations of the corresponding base claims and thus are not anticipated by Smutek. Accordingly, Applicant respectfully submits that Smutek does not anticipate the claimed invention.

Smutek discloses an arrangement and technique utilizing a video terminal and related equipment whereby graphics and image information such as drawings, photographs and other forms and images are created by raster scanning the document, or by filling a bit map memory by some

software program. (column 2, lines 9-13) The image contains one or more blank subfields. (column 14, lines 14-15) The subfields initially do not contain specific information about a particular client but are blank subfields. (column 14, lines 2-55) In contrast, the claimed invention includes limitations associated with a dynamically customizable form that includes one or more healthcare procedures used by a healthcare provider and one or more healthcare diagnosis employed by the healthcare provider for use and association with providing a service for a patient. Furthermore, Applicant respectfully submits that Lavin and Smutek is an improper combination of references for at least the reason that Smutek does not relate to the healthcare industry.

Accordingly, Applicant respectfully submits that independent claims 21 and 33 are not anticipated, nor made obvious by the references cited by the Examiner for at least the reasons discussed herein and because none of the references teach or disclose each and every element of the claimed invention alone or in any combination thereof. Similarly, Applicant respectfully submits that claims 22-32, which depend from base claim 21, and claims 34-40, which depend from base claim 33, incorporate the limitations of the corresponding base claims and therefore are also not anticipated nor made obvious by the references cited by the Examiner.

CONCLUSION

Applicant respectfully submits that the application is now in condition for allowance and respectfully requests the same. In the event there remains any impediment to allowance of the claims, which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

DATED this 2nd day of October, 2002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bernie S. Broadbent". The signature is fluid and cursive, with the first name being the most prominent.

Berne S. Broadbent
Attorney for Applicant
Registration No. 30,550

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 328-3600
Facsimile: (801) 321-4893

BSB:lc

630006.1



#6/a

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please amend the paragraph beginning on page 8, line 22 as follows: (A version to show the changes made is provided herein.)

Input and output to computer system 100 are provided by a number of devices. For example, a keyboard and mouse controller 155 connects to bus 130 for controlling a keyboard input device 156 and a mouse input device 157. A DMA controller 160 is provided for performing direct memory access to system RAM 110. A visual display is generated by a video controller 165, which controls a video output display 170. An audio controller 197 connects to bus 130 for controlling an audio output device 196. The computer also includes a communications adapter 190 which allows the system to be interconnected to a local area network (LAN) 195, a wide area network (WAN), as well as provide an Internet connect either directly, or via the LAN or WAN, which is schematically illustrated by bus 191.

IN THE ABSTRACT:

Please amend the abstract as follows: (A version to show the changes made is provided herein.)

A record and billing service system and method [are disclosed] for use in health care offices. The system allows a [user, typically a] health care agent[,] to generate a visit form for a [particular client.] patient that [This form] keeps a record of the patient's health history and treatment records received at [that] a healthcare facility. The visit form includes procedure and/or diagnoses

information that is particular to a given health care provider or facility. [The record includes vital statistics as well as information about the health care agent treating the patient. The records are generated in a real time setting, meaning during the actual exam of the patient. The records are kept on a computer system and stored within a records data base.] Thus, t[T]he system generates [an application] the visit form, which [that] shows the types of procedures, diagnosis, inventory, and the like normally provided in the health care office by the health care provider. The application can be customized to reflect specialties provided in that office or by that provider. The system also converts the types of procedures, diagnosis and inventory matters listed in the application into accurate billing records. [This provides the health care agent the ability to discuss the costs associated in the procedures and better structure a cost effective treatment or solution to the patient's needs. Further, the billing records are tied to conventional government and private insurance standards for easy billing and response. The system implements the application in a graphical user interface environment to facilitate the record keeping and report generation and printing.]

IN THE CLAIMS:

Please cancel claims 1-20 and add the following new claims: (A version to show the changes made is provided herein.)

21. In a system that is configured to be associated with healthcare information, a method for dynamically generating, displaying and recording the healthcare information, the method comprising the steps for:

electronically selecting one or more healthcare procedures for inclusion in a dynamically customizable form, wherein the one or more healthcare procedures

selected are procedures used by a particular healthcare provider of a healthcare facility;

electronically selecting one or more healthcare diagnoses for inclusion in the dynamically customizable form, wherein the one or more healthcare diagnoses selected are diagnoses employed by the particular healthcare provider;

generating the dynamically customizable form, which includes the one or more healthcare procedures used by the healthcare provider and the one or more healthcare diagnoses employed by the healthcare provider, for use in association with providing a service for a patient; and

using the dynamically customizable form in association with providing a service for the patient, wherein the dynamically customizable form is used by the healthcare provider.

22. A method as recited in claim 21, wherein the step for generating the dynamically customizable form is performed during an examination of the patient.

23. A method as recited in claim 21, wherein the step for generating the dynamically customizable form comprises the step for providing in the dynamically customizable form at least one of:

- (i) one or more other healthcare procedures used by another healthcare provider of the healthcare facility; and
- (ii) one or more other healthcare diagnoses employed by another healthcare

provider of the healthcare facility.

24. A method as recited in claim 23, wherein the one or more healthcare procedures and the one or more other healthcare procedures are healthcare procedures typically used at the healthcare facility.

25. A method as recited in claim 23, wherein the one or more healthcare diagnoses and the one or more other healthcare diagnoses are healthcare diagnoses typically used at the healthcare facility.

26. A method as recited in claim 21, further comprising the step for customizing the dynamically customizable form to reflect healthcare specialities provided at the healthcare facility.

27. A method as recited in claim 21, wherein the step for using the dynamically customizable form includes the step for converting information from the dynamically customizable form into a billing record.

28. A method as recited in claim 27, wherein the step for converting information from the dynamically customizable form into a billing record is performed in real time.

29. A method as recited in claim 28, wherein the billing record corresponds to standards established in the industry.

30. A method as recited in claim 21, wherein the step for using the dynamically customizable form includes the step for selecting at least one of the one or more healthcare procedures and at least one of the one or more healthcare diagnoses on the dynamically customizable form.

31. A method as recited in claim 30, wherein the step for selecting at least one of the one or more healthcare procedures and at least one of the one or more healthcare diagnoses on the dynamically customizable form is performed electronically.

32. A method as recited in claim 21, wherein the step for using the dynamically customizable form includes the steps for:

identifying procedures used on the patient;

identifying diagnoses employed for the patient; and

preserving the dynamically customizable form as part of a history for the patient.

33. A computer program product for implementing within a computer system a method for dynamically generating, displaying and recording the healthcare information, the computer program product comprising:

a computer readable medium for providing computer program code means

utilized to implement the method, wherein the computer program code means

is comprised of executable code for implementing the steps for:

receiving a selection of one or more healthcare procedures for inclusion in a

dynamically customizable form, wherein the one or more healthcare procedures selected are procedures used by a particular healthcare provider; receiving a selection of one or more healthcare diagnoses for inclusion in the dynamically customizable form, wherein the one or more healthcare diagnoses selected are diagnoses employed by the particular healthcare provider;

generating the dynamically customizable form, which includes the one or more healthcare procedures used by the healthcare provider and the one or more healthcare diagnoses employed by the healthcare provider, for use in association with providing a service for a patient; and providing the dynamically customizable form for use by a healthcare provider in association with providing a service for the patient.

34. A computer program product as recited in claim 33, wherein the step for generating the dynamically customizable form is performed during an examination of the patient.

35. A computer program product as recited in claim 33, wherein the step for generating the dynamically customizable form comprises the step for providing in the dynamically customizable form at least one of:

- (i) one or more other healthcare procedures used by another healthcare provider of the healthcare facility; and
- (ii) one or more other healthcare diagnoses employed by another healthcare

provider of the healthcare facility.

36. A computer program product as recited in claim 35, wherein the one or more healthcare procedures and the one or more other healthcare procedures are healthcare procedures typically used at the healthcare facility.

37. A computer program product as recited in claim 35, wherein the one or more healthcare diagnoses and the one or more other healthcare diagnoses are healthcare diagnoses typically used at the healthcare facility.

38. A computer program product as recited in claim 33, wherein the computer program code means further comprises executable code for implementing the step for customizing the dynamically customizable form to reflect healthcare specialities provided at the healthcare facility

39. A computer program product as recited in claim 33, wherein the step for providing the dynamically customizable form includes at least one of the steps for receiving an electronic selection or at least one of the one or more healthcare procedures and at least one of the one or more healthcare diagnoses of the dynamically customizable form; identifying procedures used on the patient; identifying diagnoses employed for the patient; preserving the dynamically customizable form as part of a history for the patient; and converting information from the dynamically customizable form into a billing record.

40. A computer program product as recited in claim 39, wherein the step for converting information from the dynamically customizable form into a billing record is performed in real time.